

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
PLAINTIFF,	:	
	:	
v.	:	CIVIL ACTION NO. 2:05cv1136-T
	:	
ONE ISRAEL MILITARY INDUSTRIES:	:	
DESERT EAGLE, .40 CALIBER	:	
HANDGUN, SERIAL NO. 32314915;	:	
	:	
and	:	
	:	
EIGHTEEN (18) ROUNDS OF	:	
ASSORTED .40 CALIBER	:	
AMMUNITION,	:	
	:	
DEFENDANTS.	:	

MOTION TO DISMISS COMPLAINT

Comes now the United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and respectfully moves this Honorable Court to enter an Order dismissing this case with prejudice and states as follows:

1. On January 20, 2006, the defendants were included in the criminal forfeiture allegation in case no. 2:06cr14-W, styled United States v. Moses Pennic.

2. Civil prosecution against the defendants is no longer necessary as the defendants will be disposed of as part of criminal case no. 2:06cr14-W.

3. A proposed Order is submitted herewith.

Respectfully submitted this the 11th day of August, 2006.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Bar Number: 7068-II58J
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
E-mail: John.Harmon@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2006, I electronically filed the foregoing Motion to Dismiss Complaint with the Clerk of the Court using the CM/ECF system. I certify further that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Moses Pennic, III
3432 Gilmer Avenue
Montgomery, Alabama 36105.

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney